

**BEFORE THE WEST VIRGINIA BOARD OF MEDICINE**

**IN RE: RAM SWAROOP MAKKER, M.D.**

**CONSENT ORDER**

The West Virginia Board of Medicine ("Board") and Ram Swaroop Makker, M.D. ("Dr. Makker"), freely and voluntarily enter into the following Consent Order pursuant to the provisions of W. Va. Code § 30-3-14, *et seq.*:

**FINDINGS OF FACT**

1. Dr. Makker currently holds a license to practice medicine and surgery in the State of West Virginia, License No. 20082, issued originally in 1999. Dr. Makker's address of record is in Roslyn Heights, New York.

2. On or about April 24, 2009, the New York State Board for Professional Medical Conduct determined that the continued practice of medicine in the State of New York by Dr. Makker constituted an imminent danger to the health of the people of the State of New York and ordered that effective immediately Dr. Makker was not to practice medicine in the State of New York.

3. The Complaint Committee of the Board initiated a Complaint against Dr. Makker on May 11, 2009, based upon the action taken against him by the New York State Board for Professional Medical Conduct on April 24, 2009.

4. Dr. Makker responded, by counsel, on May 25, 2009, to the Complaint filed by the Complaint Committee noting that Dr. Makker's suspension in New York was prior

to the administrative hearing and disposition of the New York matter. Additionally, Dr. Makker noted his denial of the New York allegations.

5. On July 24, 2009, the Board received the Order of the Commonwealth of Virginia Department of Health Professions dated June 29, 2009, *In Re: Ram Swaroop Makker, M.D.*, suspending the license of Dr. Makker to practice medicine in the Commonwealth of Virginia.

6. On September 17, 2009, the Board received the Determination and Order of the Hearing Committee dated September 3, 2009, from the State of New York Department of Health *In the Matter of Ram Swaroop Makker, M.D.*, revoking the license of Dr. Makker to practice medicine in New York State.

### **CONCLUSIONS OF LAW**

1. The Board has a mandate pursuant to the West Virginia Medical Practice Act to protect the public interest. W. Va. Code § 30-3-1.

2. Probable cause exists to substantiate charges against Dr. Makker pursuant to W. Va. Code § 30-3-14 (c)(17) and 11 CSR 1A 12.1 (g) relating to having his license in another jurisdiction acted against and subjected to disciplinary action.

3. The Board has determined that it is appropriate and in the public interest to waive the commencement of proceedings against Dr. Makker and to proceed without the filing of formal charges in a Complaint and Notice of Hearing, provided Dr. Makker enters into this Consent Order.

## **CONSENT**

Ram Swaroop Makker, M.D., by affixing his signature hereon, agrees solely and exclusively for purposes of this agreement and the entry of the Order provided for and stated herein, and the proceedings conducted in accordance with this Order, to the following:

1. Dr. Makker acknowledges that he is fully aware that, without his consent here given, no permanent legal action may be taken against him except after a hearing held in accordance with W. Va. Code § 30-3-14 (h) and W. Va. Code § 29A-5-1, *et seq.*

2. Dr. Makker further acknowledges that he has the following rights, among others: the right to a formal hearing before the West Virginia Board of Medicine, the right to reasonable notice of said hearing, the right to be represented by counsel at his own expense, and the right to cross-examine witnesses against him.

3. Dr. Makker waives all rights to such a hearing.

4. Dr. Makker consents to the entry of this Order relative to his practice of medicine and surgery in the State of West Virginia.

5. Dr. Makker understands that this Order is considered public information, and that matters contained herein may be reported, as required by law, to the National Practitioner Data Bank and the Healthcare Integrity and Protection Data Bank.

## **ORDER**


**WHEREFORE**, on the basis of the foregoing Findings of Fact and Conclusions of Law of the Board, and on the basis of the consent of Dr. Makker, the West Virginia Board of Medicine hereby **ORDERS** as follows:

1. That the license of Ram S. Makker, M.D., No. 20082, is **SURRENDERED** to the Board effective upon entry of this Consent Order.

2. Dr. Makker will not apply to the Board for licensure in the future, and if he does, his application will be denied.

The foregoing Order was entered this 9th day of October, 2009.

**WEST VIRGINIA BOARD OF MEDICINE**

  
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John A. Wade, Jr., M.D.  
President

  
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Catherine Slemp, M.D., M.P.H.  
Secretary

  
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Ram Swaroop Makker, M.D.  
Date: \_\_\_\_\_

STATE OF New York

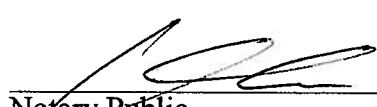
COUNTY OF Nassau

I, Keith Hansen, a Notary Public in and for said county and state do hereby certify that Ram Swaroop Makker, M.D., whose name is signed above, has this day acknowledged the same before me.

Given under my hand this 28 day of Sept, 2009.

My commission expires 10-6-12.

KEITH HANSEN  
Notary Public, State of New York  
No. 01HA6194507  
Qualified in Nassau County  
Commission Expires Oct 06, 2012

  
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Notary Public